

REMARKS

Claims 143-168 have been taken from U.S. Patent No. 5,796,469 issued August 18, 1998, a copy of which is submitted herewith in an Information Disclosure Statement.

Correspondence between claims of the present application and claims of the '469 patent is shown in the following table:

<u>CLAIMS OF THE PRESENT APPLICATION</u>	<u>CLAIMS OF PATENT NO. 5,796,469</u>
143	1
144	2
145	3
146	4
147	5
148	6
149	9
150	10 (modified)
151	11
152	12 (modified)
153	14
154	15
155	16
156	17 (modified)
157	19 (modified)
158	25
159	26
160	27
161	28
162	29
163	30
164	31 (modified)
165	32
166	33
167	35
168	36 (modified)

Claims 10 and 31 of the '469 patent were modified in corresponding Claims 150 and 164 to recite "deviation of the direction of scanning movement" rather merely "the direction of scanning movement". Claim 12 of the '469 patent was modified in corresponding Claim 152 to delete the word "mirror" in the phrase "reference mirror member", because base Claim 10 merely recites "a reference member".

Claim 17 of the '469 patent was modified in corresponding Claim 156 (compare lines 15-20 of Claim 156 with the last two paragraphs of Claim 17). Claim 19 of the '469 patent was modified in corresponding Claim 157 (compare lines 16-19 of Claim 157 with the last paragraph of Claim 19). Claim 36 was modified in corresponding Claim 168 (compare lines 20-21 of Claim 168 with the last paragraph of Claim 36).

The above-mentioned modifications of claims of the '469 patent are insubstantial, and the corresponding claims recite the same patentable inventions.

Claims 143-168 have been presented to preserve Applicant's rights with respect to a possible interference with patent no. 5,796,469. However, Applicant is not yet requesting the declaration of an interference, because Applicant has been unable to obtain the file histories of the '469 patent and its two predecessor applications. These files have been declared "lost" by the Patent and Trademark Office, and an official search for the files has been

initiated. Of course, Applicant reserves the right to initiate an interference at a later date.

This application now contains Claims 1-168. In an Office Action mailed January 25, 1999, Claims 1-128 were rejected as being based upon a defective reissue declaration, and Claims 9, 33, and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Document 63-128713. Claims 129-142 were added in an Amendment filed July 26, 1999 in response to the Office Action of January 25, 1999. A Supplemental Declaration accompanied that Amendment to cure the defects alleged with respect to the Declaration submitted earlier.

Support for Claims 143-168 is found throughout this application. For example, see column 4, line 20, to column 5, line 42; column 8, line 14, to column 10, line 42; column 10, line 65, to column 11, line 26; and column 13, lines 28-37.

The Examiner's attention is directed to copending application 09/276,465, which also contains claims obtained from the '469 patent.

A check for \$1,014.00 is attached in payment of the required fee for excess claims.

The Commissioner is hereby authorized to charge to Deposit Account No. 22-0585 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and

has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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August 18, 1999